



**Sterne Kessler  
Goldstein Fox**

ATTORNEYS AT LAW



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugaisky  
Donald J. Featherstone  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Heidi L. Kraus  
Edward W. Yee  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Eldora Ellison Floyd  
Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaton  
Kimberly N. Reddick

Theodore A. Wood  
Elizabeth J. Haanes  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhulier  
Rae Lynn Prengaman  
Jane Shershenovich\*  
Lawrence J. Carroll\*  
George S. Bardmesser  
Daniel A. Klein\*  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamage  
Tracy L. Muller  
LuAnne M. Yuricek\*  
John J. Figueroa  
Ann E. Summerfield  
Tiera S. Coston\*

Aric W. Ledford\*

**Registered Patent Agents\***

Karen R. Markowicz  
Nancy J. Leith  
Helene C. Carlson  
Gaby L. Longworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Mary B. Tung  
Katrina Y. Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman  
Timothy A. Doyle  
Jennifer R. Mahalingappa  
Teresa A. Colella  
Jeffrey S. Lundgren

Victoria S. Rutherford  
Eric D. Hayes

**Of Counsel**

Kenneth C. Bass III  
Evan R. Smith

\*Admitted only in Maryland

\*Admitted only in Virginia

\*Practice limited to  
Federal Agencies

January 9, 2004

**WRITER'S DIRECT NUMBER:**

(202) 772-8615

**INTERNET ADDRESS:**

FRANKC@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1651**

Re: U.S. Utility Patent Application  
Appl. No. 10/617,838; Filed: July 14, 2003  
For: **Method for Improving the Cell Protection**  
Inventor: Fabio Soldati  
Our Ref: 0652.2210002/EKS/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Listing of the cited documents on Form PTO-1449 (8 sheets); and
3. Return postcard.

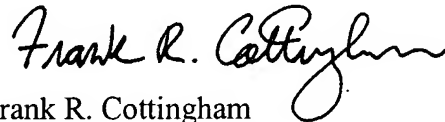
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
January 9, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham  
Attorney for Applicant  
Registration No. 50,437

FRC/pcd  
Enclosures

::ODMAMHODMA\SKGF\_DC1;216866;1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fabio Soldati

Appl. No. 10/617,838

Filed: July 14, 2003

For: **Method for Improving the  
Cell Protection**

Confirmation No. 7995

Art Unit: 1651

Examiner: Srivastava, K.

Atty. Docket: 0652.2210002/EKS/FRC

### Information Disclosure Statement

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

A copy of document **AC1** is not provided in accordance with the U.S. Patent and Trademark Office pre-OG notice of July 11, 2003, which states "[t]he Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003."

Copies of all other documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/863,768, filed May 24, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Documents **AL1**, **AP1** and **AL2** are in the French language. For the Examiner's convenience, English language abstracts of these documents were submitted as documents

**AT7**, **AR8** and **AS8**, respectively. Document **AO1** is in the German language. An English language equivalent of **AO1** was submitted as document **AM2**.

Non-English language documents **AL1**, **AO1**, **AP1** and **AL2** were cited in the International Search Report that was issued in a counterpart international application. An English language version of the International Search Report was submitted as document **AS7**, which indicates the degree of relevance found by the International Searching Authority, in satisfaction of the concise explanation of relevance requirement. *See* M.P.E.P. § 609(III)(A)(3).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

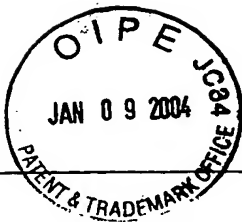
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, reading "Frank R. Cottingham". The signature is fluid and cursive, with a long horizontal flourish at the end.

Frank R. Cottingham  
Attorney for Applicant  
Registration No. 50,437

Date: JAN. 09, 2004

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600



FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 0652.2210002/EKS/FRC	APPLICATION NO. 10/617,838
	APPLICANT Fabio Soldati	
	FILING DATE July 14, 2003	GROUP 1651

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,648,377	07/15/1997	Bombardelli et al.			06/05/1995
	AB1	6,090,414	07/18/2000	Passwater et al.			06/06/1995
	AC1	6,627,231 B2	09/30/2003	Soldati			05/24/2001
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	EP 0 712 630 A2	05/22/1996	Europe			Yes X No
	AM1	WO 98/33494	08/06/1998	WIPO			Yes No
	AN1	WO 98/57622	12/23/1998	WIPO			Yes No
	AO1	WO 99/48386	03/24/1999	WIPO			Yes X No
	AP1	FR 2 792 831	04/28/1999	France			Yes X No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>1</u>	Baldi, A., et al., "The Relative Antioxidant Potencies of Some Polyphenols in Grapes and Wines," in <i>Wine: Nutritional and Therapeutic Benefits</i> , Chapter 13, ACS Symposium Series 661, Watkins, T.R., ed., American Chemical Society, Washington, DC, pp. 166-179 (1997)	
AS	<u>1</u>	Bisson, L.F., "Metabolic Syndrome X and the French Paradox," in <i>Wine: Nutritional and Therapeutic Benefits</i> , Chapter 14, ACS Symposium Series 661, Watkins, T.R., ed., American Chemical Society, Washington, DC, pp. 180-195 (1997)	
AT	<u>1</u>	Böhm, F., et al., "β-Carotene with vitamins E and C offers synergistic cell protection against NO <sub>x</sub> ," <i>FEBS Lett.</i> 436:387-389, Federation of European Biochemical Societies (1998)	

EXAMINER	DATE CONSIDERED
----------	-----------------

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 0652.2210002/EKS/FRC	APPLICATION NO. 10/617,838
	APPLICANT Fabio Soldati	
	FILING DATE July 14, 2003	GROUP 1651

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	FR 2 799 345	10/12/1999	France			Yes X No
	AM2	CA 2,325,437	09/30/1999	Canada			Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

### OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>2</u>	Comstock, G.W., et al., "The Risk of Developing Lung Cancer Associated with Antioxidants in the Blood: Ascorbic Acid, Carotenoids, $\alpha$ -Tocopherol, Selenium, and Total Peroxyl Radical Absorbing Capacity," <i>Cancer Epidemiol. Biomarkers Prev.</i> 6:907-916, American Association for Cancer Research and the American Society of Preventive Oncology (1997)
	AS	<u>2</u>	Dreosti, I.E., "Nutrition, Cancer, and Aging," in: <i>Towards Prolongation of the Healthy Life Span: Practical Approaches to Intervention</i> , Volume 854, Harman, D., et al., eds., Annals of the New York Academy of Sciences, New York, pp. 371-377 (1998)
	AT	<u>2</u>	Ebeler, S.E., et al., "An In Vivo Experimental Protocol for Identifying and Evaluating Dietary Factors That Delay Tumor Onset: Effect of Red Wine Solids," in <i>Wine: Nutritional and Therapeutic Benefits</i> , Chapter 16, ACS Symposium Series 661, Watkins, T.R., ed., American Chemical Society, Washington, DC, pp. 215-229 (1997)

EXAMINER	DATE CONSIDERED
----------	-----------------

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
0652.2210002/EKS/FRC

APPLICATION NO.  
10/617,838

APPLICANT  
Fabio Soldati

FILING DATE  
July 14, 2003

GROUP  
1651

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Fenech, M., "Chromosomal Damage Rate, Aging, and Diet," in <i>Towards Prolongation of the Healthy Life Span: Practical Approaches to Intervention</i> , Volume 854, Harman, D., et al., eds., Annals of the New York Academy of Sciences, New York, pp. 23-36 (1998)
	AS	<u>3</u>	Fuhrman, B., et al., "Lycopene Synergistically Inhibits LDL Oxidation in Combination with Vitamin E, Glabridin, Rosmarinic Acid, Carnosic Acid, or Garlic," <i>Antioxid. Redox Signal.</i> 2:491-506, Mary Ann Liebert, Inc. (October 2000)
	AT	<u>3</u>	Fuhrman, B., et al., "Tomato lycopene and $\beta$ -carotene inhibit low-density lipoprotein oxidation and this effect depends on the lipoprotein vitamin E content," <i>Nutr. Metab. Cardiovasc. Dis.</i> 7:433-443, Medikal Press (1997)

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.




INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
0652.2210002/EKS/FRC

APPLICATION NO.  
10/617,838

APPLICANT  
Fabio Soldati

FILING DATE  
July 14, 2003

GROUP  
1651

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

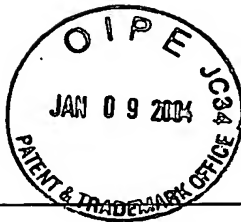
**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>4</u>	German, J.B., et al., "Wine Phenolics and Targets of Chronic Disease," in <i>Wine: Nutritional and Therapeutic Benefits</i> , Chapter 15, ACS Symposium Series 661, Watkins, T.R., ed., American Chemical Society, Washington, DC, pp. 196-214 (1997)
	AS	<u>4</u>	Krinsky, N.I., "The Antioxidant and Biological Properties of the Carotenoids," in <i>Towards Prolongation of the Healthy Life Span: Practical Approaches to Intervention</i> , Volume 854, Harman, D., et al., eds., Annals of the New York Academy of Sciences, New York, pp. 443-447 (1998)
	AT	<u>4</u>	Maffei Facino, R., et al., "Free Radicals Scavenging Action and Anti-enzyme Activities of Procyanidines from <i>Vitis vinifera</i> ," <i>Arzneim.-Forsch./Drug Res.</i> 44(I):592-601, Editio Cantor Verlag (1994)

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
0652.2210002/EKS/FRCAPPLICATION NO.  
10/617,838APPLICANT  
Fabio SoldatiFILING DATE  
July 14, 2003GROUP  
1651

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Maxwell, S.R.J., "Wine Antioxidants and Their Impact on Antioxidant Activity In Vivo," in: <i>Wine: Nutritional and Therapeutic Benefits</i> , Chapter 12, ACS Symposium Series 661, Watkins, T.R., ed., American Chemical Society, Washington, DC, pp. 150-165 (1997)
	AS	<u>5</u>	Meydani, M., et al., "The Effect of Long-term Dietary Supplementation with Antioxidants," in <i>Towards Prolongation of the Healthy Life Span: Practical Approaches to Intervention</i> , Volume 854, Harman, D., et al., eds., Annals of the New York Academy of Sciences, New York, pp. 352-360 (1998)
	AT	<u>5</u>	Pastori, M., et al., "Lycopene in Association with $\alpha$ -Tocopherol Inhibits at Physiological Concentrations Proliferation of Prostate Carcinoma Cells," <i>Biochem. Biophys. Res. Commun.</i> 250:582-585, Academic Press (1998)

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 0652.2210002/EKS/FRC	APPLICATION NO. 10/617,838
	APPLICANT Fabio Soldati	
	FILING DATE July 14, 2003	GROUP 1651

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>6</u>	Renaud, S.C., et al., "Alcohol and Mortality in Middle-Aged Men from Eastern France," <i>Epidemiology</i> 9:184-188, Epidemiology Resources Inc. (1998)
	AS	<u>6</u>	Reiter, R.J., "Roundtable Discussion: How Best to Ensure Daily Intake of Antioxidants (from the Diet and Supplements) That is Optimal for Life Span, Disease, and General Health," in <i>Towards Prolongation of the Healthy Life Span: Practical Approaches to Intervention</i> , Volume 854, Harman, D., et al., eds., Annals of the New York Academy of Sciences, New York, pp. 463-476 (1998)
	AT	<u>6</u>	Stähelin, H.B., "The Impact of Antioxidants on Chronic Disease in Aging and in Old Age," <i>Int. J. Vitamin Nutr. Res.</i> 69:146-149, Hogrefe & Huber Publishers (May 1999)

EXAMINER	DATE CONSIDERED
----------	-----------------

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
0652.2210002/EKS/FRC

APPLICATION NO.  
10/617,838

APPLICANT  
Fabio Soldati

FILING DATE  
July 14, 2003

GROUP  
1651

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

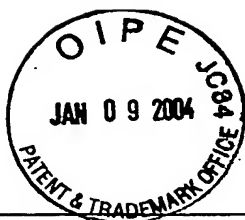
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	7	Watkins, T.R., "Wine: Yesterday's Antidote for Today's Oxygen Stress," in <i>Wine: Nutritional and Therapeutic Benefits</i> , Chapter 1, ACS Symposium Series 661, Watkins, T.R., ed., American Chemical Society, Washington, DC, pp. 2-5 (1997)
AS	2	International Search Report for International Application No. PCT/EP 01/05841, mailed August 16, 2002
AT	2	Dialog File 351, Accession No. 10743551, Derwent WPI English language abstract for EP 0 712 630 A2

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 0652.2210002/EKS/FRC	APPLICATION NO. 10/617,838
	APPLICANT Fabio Soldati	
	FILING DATE July 14, 2003	GROUP 1651

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>8</u>	Dialog File 351, Accession No. 13549806, Derwent WPI English language abstract for FR 2 792 831 A1
	AS	<u>8</u>	Dialog File 351, Accession No. 13789398, Derwent WPI English language abstract for FR 2 799 345
	AT		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.